1946

File No. Rents & Hotels Rates II/46

Legal Department—

B BRANCH

P.3(E)/1946

Subject:—

Rules and Notifications under the Bombay Rents, Hotel Rates and Lodging House Rates [control] Act, 1944

File No. Rents, Hotels Rates etc. II/46

Gen. 194 e.

401 - B

Office of the R.L.A.

Under Part II of the Bombay Rents, Hotel Rates and Lodging Houses Rates (Control) Act, 1944, as well as under other parts of the Act "Controller" has been defined as follows:-

"Controller" means the person appointed as such by the Government of Bombay for the purposes of this Part."

The use of the words "the person" in this definition clearly signifies that the appointment of only one person as Contoller in a particular area is contemplated. That being so, it does not appear legally feasible to appoint another person as Controller in Poona even for the purpose of disposing of one particular application so long as the appointment of the present Controller in that area subsists.

The powers and duties of the Contoller are specified in sections 9,11 and 13 of the Act as far as Part II goes. Section 11(1) of the Act shows that the duty of the Controller does not end on issuing the certificate applied for by a landlord under section 9 of the Act. He has to ascertain, thereafter, it is apparent, whether the premises are occupied by the landlord within fifteen days of the date when possession has been obtained or are re-let within three months of the said date to any person other than the original tenant. He may, at a later stage even review the order already passed by him under section38 of the Act. It would,therefore, be inexpedient to terminate the appointment of the proposed ad hoc Controller as soon as he has disposed of the application for the certificate, even if it were possible to make such an appointment under the Act.

Therefore it is obvious that the proposal to appoint and ad hoc Rent Controller for deciding a particular case is not in order.

Sd/- A.R.Khan

for Remembrancer of Legal Affairs.

U.R. to G.D. No 5417,dated the 2nd Aug. 1946.

4-Cs,/M.V.V./17.7

Office of the R.L.A.

The General Department should have put up the revised drafts in accordance with H.M. L.S.G. 's minute.

2. A revised consolidated draft notification is sent herewith. The Bombay Rents, Hotel Rates and Lodging House Rates (Control) Act, 1944, cannot be applied to the areas in question with retrospective effect from 1st October 1946.

3. The General Department should fill in the appropriate areas before issue in Schedules A,B and C in the revised draft notification. It would not be proper to call the areas as towns. Their correct municipal or other description should be given.

Sd/-
2/11.

For Remembrancer of Legal Affairs.

U.R. to G.D. No. 7566, dated the 2nd November 1946.

4-Cs.

H.V.V.
18/7.

Notification.

General Department,

Bombay Castle, 1946.

No. 5438/33. In exercose of the powers conferred by sub-section (5) of section 2 of the Bombay Rents, Hotel Rates and Lodging House Rates (Control) Act, 1944 (Bom. VII of 1944) the Government of Bombay is pleased to direct that with effect from the day of 1946, —

(1) Part II of the said Act shall come into operation in the areas specified in column 1 of Schedule A hereto annexed;

(2) Parts II and III of the said Act shall come into operation in the areas specified in column 1 of Schedule B hereto annexed; and

(3) Parts II,III and IV of the said Act shall come into operation in the areas specified in column 1 of Schedule C hereto annexed.

Schedule A.

Area 1	District 2

Schedule B.

Area 1	District 2.

Schedule C.

Area 1	District 2.

By order of the Governor of Bombay,

Secretary to Government.